

INDIANA DEPARTMENT OF INSURANCE RULEMAKING DOCKET

TITLE 760 DEPARTMENT OF INSURANCE

Notice of Intent to Readopt LSA Document #16-436

The Indiana Department of Insurance intends to readopt rules, without changes, in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Readoption of the following rules is effective 30 days after filing with the Publisher.

OVERVIEW: Rules to be readopted without changes are as follows:

760 IAC 1-50	Continuing Education
760 IAC 1-60	Physician Specialty Classes
760 IAC 1-69	Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits
760 IAC 2-1	General Provisions
760 IAC 2-4	Required Disclosure Provisions
760 IAC 2-8	Application Forms and Replacement Coverage
760 IAC 2-9	Reporting Requirements
760 IAC 2-10	Licensing
760 IAC 2-13	Loss Ratio
760 IAC 2-15	Marketing
760 IAC 2-15.5	Suitability
760 IAC 2-16.1	Nonforfeiture Benefit Requirement
760 IAC 2-17	Outline of Coverage
760 IAC 2-18	Shopper's Guide
760 IAC 2-19.5	Standard Forms

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to the Small Business Regulatory Coordinator for this rule (see IC 4-22-2-28.1):

Tina L. Korty
Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, IN 46204
tkorty@idoi.in.gov
(317) 232-0143

Statutory authority: IC 27-1-3-7; IC 27-1-15.7-4; IC 27-1-15.7-5; IC 27-1-15.7-7; IC 27-1-12-7; IC 27-1-12-10.5; IC 27-8-12-7; IC 27-8-12-14; IC 34-18-5-2.

Last updated October 14, 2016

For purposes of IC 4-22-2-28.1, the Small Business Ombudsman designated by IC 4-4-35-8 is:

Robert Warner
Indiana Economic Development Corporation
One North Capitol, Suite 600
Indianapolis, IN 46204
(317) 232-5679
ombudsman@osbe.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in IC 4-4-35-8, specifically IC 4-4-35-8(9), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

LSA Document #15-33— Navigators and Application Organizations

Subject Matter of the Rule:

Adds 760 IAC 4 regarding certification and registration requirements, precertification education and examinations, continuing education, duties, conflicts of interest, privacy and security of information, reporting requirements, enforcement, and other matters relating to an individual acting as a navigator and an entity acting as an application organization in Indiana. Effective 30 days after filing with the Publisher.

Notices Related to the Proposed Rule:

- Notice of Intent <http://www.in.gov/legislative/iac/20150128-IR-760150033NIA.xml.pdf>
- Proposed Rule
- Economic Impact Statement
- Legislative Council Notices
- Comments of the Indiana Office of Small Business and Entrepreneurship (see Attachment 1)

Public Comments May Be Made:

Via e-mail: mbrumbaugh@idoi.in.gov
Via facsimile: (317) 232-5251
Via U.S. mail: Meggan Brumbaugh
Department of Insurance
311 West Washington Street
Suite 103
Indianapolis, IN 46204

Time Within Which Public Comments May Be Made:

Public comments may be made now and through the date of the public hearing.

Public Comments And Responses to Public Comments May Be Inspected Upon Request At:

Department of Insurance
311 West Washington Street
Suite 103
Indianapolis, IN 46204

Public Hearing Information:

Tuesday, April 12, 2016 at 9:30 a.m.
Department of Insurance

311 West Washington Street
Suite 103
Indianapolis, IN 46204

Relevant Scientific and Technical Findings Related to the Proposed Rule:

Not applicable.

Estimated Timetable for Action*:

Date of filing of proposed rule: March 10, 2016

Date of public hearing: April 12, 2016

Date of final adoption: May 2, 2016

Date of filing with the Office of the Attorney General: May 2, 2016

Anticipated date of review by the Governor: June 15, 2016

Anticipated effective date: June 30, 2016

* This timeline is subject to change during the rulemaking process. This timeline will be updated when changes occur.



Office of Small Business and Entrepreneurship
One North Capitol Avenue, Suite 600
Indianapolis, IN 46204

Toll free: 888-472-3244
Phone: 317-234-2082
Fax: 317-232-8872

www.osbe.in.gov

March 11, 2016

Meggan J. R. Brumbaugh
Indiana Department of Insurance
Legal Services
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

Dear Ms. Brumbaugh,

Pursuant to IC 4-22, the Indiana Office of Small Business and Entrepreneurship has reviewed the economic impact analysis for small business associated with rule changes contained in LSA Document 15-33 proposed by the Indiana Department of Insurance. The proposed rule adds 760 IAC 4 regarding certification and registration requirements, precertification education and examinations, continuing education, duties, conflicts of interest, privacy and security of information, reporting requirements, enforcement, and other matters relating to an individual acting as a navigator and an entity acting as an application organization in Indiana. Effective 30 days after filing with the Publisher.

The economic impact statement prepared by the Indiana Department of Insurance states there will be the following economic impact costs on small businesses.

The proposed rule will impose the following costs and requirements:

Navigators

Individuals seeking navigator certification are required to submit an application, along with a fee as prescribed by the Commissioner. Individuals are required to complete navigator precertification education offered by an approved program prior to taking the navigator certification examination, and must submit a fee prescribed by the Commissioner for the examination. To annually renew certification, resident and non-resident navigators must submit a fee as determined by the Commissioner, along with a renewal application. Navigators must annually complete at least two (2) hours of continuing education related to the duties of a navigator. Penalties will apply for any renewal application and fee received past the expiration date of the certification. Navigators are required to carry out certain duties, including maintaining expertise related to qualified health plans through the federal Marketplace and public health insurance programs; providing information and assistance in a fair, accurate, and impartial manner; and providing referrals to the IDOI or other appropriate persons when appropriate. Navigators must agree to follow IDOI's conflicts of interest policy; and disclose all potential or actual conflicts of interest to the IDOI and to individuals prior to providing assistance. Navigators are required to maintain and protect all personal information received from individuals, and must notify affected individuals and the IDOI of security breaches. Navigators must make internal privacy practices and policies available upon request by the Commissioner. Navigators must inform the IDOI of certain changes in identifying or contact information, and must report certain actions taken against the navigator within thirty (30) days of the changes or actions. Navigators in violation of IC 27-19-4 or the proposed rule are subject to a civil penalty ranging from \$50 to \$10,000 per violation. Navigators enrolled in self-study continuing education courses must comply with certain requirements. Navigators are required to retain continuing education certificates of completion for four (4) years following the completion of the course.

Application Organizations

Application organizations are required to submit an application for application organization registration, along with a fee as prescribed by the Commissioner. To annually renew registration, application organizations must submit a fee as determined by the Commissioner, along with a renewal application. Application organizations are required to carry out certain duties, including maintaining

